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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 26th May, 1972:—

BILL NO. 33 OF 1972

A Bill further to amend the Prevention of Food Adulteration Act, 1954

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1972. Short title.

37 of 1954. 2. In section 2 of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as the principal Act), in clause (*i*), after sub-clause (*l*), the following shall be inserted, namely:— Amendment of section 2.

"Provided that all kinds of foodgrains, dals, dry fruits and spices, which are not adulterated with any inferior or filthy matter, but which are insect-infested by nature by lapse of time or which are found to be below prescribed standard as a natural produce, shall not be deemed to be adulterated.".

3. In section 7 of the principal Act, the following proviso shall be added at the end, namely:— Amendment of section 7.

"Provided that the foodgrains, dry fruits and spices which have become insect-infested by nature by lapse of time can be stored in

the same premises as the wholesome articles of food for sale, not for human consumption but for other purposes, and a label indicating that the articles of food stored are insect-infested shall be affixed outside such premises.".

Amendment of section 10.

4. In section 10 of the principal Act, after sub-section 8, the following sub-section shall be inserted, namely:—

"(*8A*) Any food inspector, with the previous sanction or approval of the Chief Medical Officer of the District or any other higher authority in the Health Department of the State, may order the destruction of or may destroy the dry fruits which have become insect-infested and are not fit for human consumption and in such cases complaints under this Act need not be filed in Court.".

Amendment of section 11.

5. In section 11 of the principal Act, after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*3A*) In the case of foodgrains, dry fruits and spices, the food inspector shall show in the memo or receipt taking sample and paying price thereof that the said article of food has been purchased for analysis.".

STATEMENT OF OBJECTS AND REASONS

Whereas the necessity of the Prevention of Food Adulteration Act, 1954 cannot be denied and such an Act is essential in general public interests, it has been at the same time experienced that in certain cases there has been not only great hardship but also high-handedness where innocent persons, having no hand or intention in the alleged adulteration of the food articles, are put on trial and they are required to be behind the bars merely because it falls technically within the definition of 'adulterated' given in the said Act.

It is well known thing that foodgrains like, wheat, gram, barley, maize, bajra, rice, moong, moth, urd, masar and peas (mater) etc., are agricultural products and it is also no secret that all those grains catch by nature some sort of insects and they become insect-infested after some time. Wheat catches *Khapra*, gram catches *Dhora*, rice gets *Susri* and similarly other such articles also catch some sort of insects naturally by lapse of time and no person can be said to cause them insect-infested and he cannot be held responsible for that on any ground. But if any of the above said grains lying in any shop catches some sort of insects and sample is taken therefrom by the competent authority for analysis and on analysis it is declarcd by the Examiner as insect-infested, the owner of the shop is held to have committed the offence of adulteration in the food article under the said Act, as in the present Act the word 'adulterated' includes also an article of food found to be insect-infested.

There is no justification in including the insect-infested articles of food in the definition of the word "adulterated" as it is an act of nature. Moreover, such grains having insects are always visible to the purchaser and he cannot be deceived or misled in that respect. Such grains having caught insects are not thrown out but they are generally thrashed again by various processes, and insects are removed and the grains utilized for human consumption as well as for other purposes as the case may be. Even grains, which become greatly damaged by insects, are not thrown out but are used as *Dana* for animals like hens and horses.

The same is the case with dry fruits like Badam, Pista, Chhuwaras, Maghad, Khamani, Alaichi Khurd, Manaka, etc. They are also stored by the shop-keepers for sale. These are also food articles and by lapse of time and by nature become insect-infested. In various cases, even the person concerned does not have the knowledge of their having become insect-infested because it is not visible from outside, but on analysis they are declared as insect-infested, and such cases technically fall under the definition of 'adulterated' and the person concerned is prosecuted for that in Court for no fault of his. It is at the most sufficient that those articles should be ordered to be destroyed or got mixed with the *Dana* under the order of the competent authority *i.e.* Chief Medical Officer of the District

or any other higher officer of the Health Department of the State concerned.

Similarly, spices like Dhania, Zira, Kali Mirch, Alaichi Kalan, Laung, Darchini, Jaifal, Jalwatri, Haldi, Lal Mirch, etc. are food articles and used in cooked *Sabzis*. These are also agricultural products. If these articles are not adulterated with any inferior article or some matter injurious to health, they should not be treated as adulterated simply because they are of low quality by nature, as the person concerned has got no hand in making them of low quality. It is no Justice if any person selling such articles is held responsible and is prosecuted. A shopkeeper cannot be expected to know that it is upto standard or not. In such cases it will suffice to provide in the Act, that such articles can be directed by the competent authority, i.e., Chief Medical Officer etc., to be destroyed and not be allowed to be in the shop for sale.

Taking into consideration the above facts, it is essential that necessary amendments are made in the Act.

Hence this Bill.

NEW DELHI; B. S. BHAURA.

The 10th April, 1972.

BILL No. 42 OF 1972

A Bill to provide for the prevention of State lotteries.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Prevention of Lotteries Act, 1972. Short title and commencement.

(*2*) It shall come into force on the date it receives the assent of the President of India.

2. Floatation of lotteries by the Central and State Governments is hereby banned. Prevention of lotteries.

STATEMENT OF OBJECTS AND REASONS

The floating of lotteries by the States has become a common feature in our country. It is creating a very unhealthy effect upon the people coming from the poor section of the society. There are innumerable instances where the poor people, with the desire to become millionaire overnight, have invested all their monthly earnings on the purchase of lottery tickets at the cost of even starving their families throughout the month. Further it is cultivating the habit of gambling amongst the people and it is feared that it may turn the nation as a nation of gamblers. It is likely that this practice may also spread to the Central Government. Hence, it is very expedient to ban the floating of lotteries by the Central and State Governments.

NEW DELHI;
The 14th April, 1972.

ANANDI CHARAN DAS.

BILL NO. 35 OF 1972

A Bill to provide for a ban on activities of communal political parties and for matters connected therewith.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Ban on Communal Political Parties Act, 1972. Short title.

2. "Communal political party" means a political party which has been declared by the Government as a communal party under section 3. Definition.

3. Any political party such as the Muslim League, Muslim Majlis, the Hindu Mahasabha, the Akali Dal, based on religious community and sectional appeal to serve its communal interest shall be declared by the Government as communal and a party against the objective of national integration. Declaration as communal political parties.

4. Activities of a communal political party shall be declared as illegal and the party banned by the Government. Communal political party to be banned.

Denial of recognition and symbol.

5. Election Commission shall withdraw or deny recognition and symbol to a communal political party.

Punishment.

6. Any attempt by a communal political party to function politically shall make the office bearers of the party and any of its members liable to a minimum imprisonment of six months which may extend to three years.

Conversion of party into socio-religious organisation.

7. A communal political party shall be given one month's time to convert it into a socio-religious organisation and transfer its assets to such re-organised body.

STATEMENT OF OBJECTS AND REASONS

Emergence of Bangladesh on the basis of revolutionary refutation of the claim of two-nation theory developed earlier in justification of communal division of the people of the Indian sub-continent and banning of communal politics and parties in Bangladesh have created a new atmosphere for bold assertion of the principle of secular democracy in India. Communal political parties are hurdles in the way of effective national integration and they are also found to act, directly or indirectly, as incentive to communal tension and troubles.

India should take full advantage of the new climate of secular democracy generated by the freedom struggle of Bangladesh in preventing communal politics and banning communal parties. The essential objective of the Bill is to stimulate a process of further strengthening secular democracy and socialist ideals in our country.

NEW DELHI;
The 13th April, 1972.

SAMAR GUHA.

BILL No. 36 OF 1972

A Bill to provide for freedom of entry to public places of religious worship and for matters connected therewith.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Freedom of Entry to Public Places of Worship Act, 1972.

Freedom of entry to public places of religious worship.

2. All people belonging to all religious communities in India shall have freedom of entry to all public places of religious worship including Temples, Mosques, Churches, Gurdwaras belonging to the Hindus, the Muslims, the Christians, the Sikhs, the Buddhists or any other section or community in India.

Punishment.

3. Any person who acts in violation of freedom of entry to such places of worship, as specified in section 2, shall be liable to imprisonment for a term of one month and or to a fine of rupees five hundred.

4. Educational, cultural and health organisations run by religious institutions of a public character, as specified in section 2, shall not deny any person belonging to any religious community the benefits or services provided by them. Organisations run by public religious institutions to benefit all persons of any religious community.

5. The provisions of this Act shall not apply to private temples, mosques, churches, gurdwaras or any other private place of worship. Provisions not to apply to private places of worship.

STATEMENT OF OBJECTS AND REASONS

The objective of the Bill is to develop religious harmony and mutual respect for religious faiths among the people belonging to all religious communities in our country. Objection to entry into public places of religious worship by people belonging to other faiths helps to breed communal hostilities and religious prejudices among people of different religious communities. Freedom of entry into places of worship of all religious communities by people belonging to all religious faiths will help to create a common human understanding among the people of all religious faiths and strengthen the process of national integration. Such freedom will inculcate a feeling of equality and brotherhood among the people of all religious communities which in consequence will help to remove religious antagonism against one another.

NEW DELHI;
The 13th April, 1972.

SAMAR GUHA.

BILL NO. 38 OF 1972

A Bill to provide for the setting up of Civil Liberties Commissions to investigate infringement of civil liberties guaranteed by the Constitution.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Civil Liberties Commissions Act, 1972.

(2) It shall come into force—

(i) in the Union territories within a period of three months from the date on which the Bill receives the assent of the President, and

(ii) in the States on such dates as the State Governments concerned may, by notification in the Official Gazette, appoint.

Setting up and composition of Civil Liberties Commissions.

2. (*1*) There shall be set up in each State and Union territory a Civil Liberties Commission, hereinafter referred to as the Commission, consisting of not more than five members.

(*2*) The Commissions shall consist of former judges of the High Courts or of Supreme Court or persons qualified to be appointed judges of the Supreme Court or a High Court.

Mode of appointment etc. of the members of the Commissions.

3. (*1*) The appointment of the members of the Commissions shall be made by the respective State Governments, and in the case of Union territories, by the Central Government, in consultation with the Chief Justice of the Supreme Court.

(*2*) The term of office of the members of the Commissions shall be four years.

(*3*) The members of the Commissions shall not be eligible for re-appointment.

(*4*) The total salary, emoluments and amenities of a member of the Commission shall not exceed two thousand rupees per month.

Functions and powers of the Commissions.

4. (*1*) It shall be the duty of the Commissions to collect information about the police procedures and administration of Justice and take steps to ensure protection of citizens' personal liberties and freedoms.

(*2*) The Commissions shall have the power to visit the departments concerned with the administration of Justice and criminal law and protection of civil liberties, ask for papers, documents, files etc. and take such other action as may be deemed necessary for the proper execution of their duty.

(*3*) The Commissions shall have the power in appropriate cases to help the aggrieved citizens in the matter of securing enforcement of their rights in the law courts.

(*4*) The Commissions shall be entitled to suggest corrective action by way of legislative amendments or administrative reform or executive action either in their annual reports or through interim reports specially drawn up for the purpose.

(*5*) The Commissions shall submit annual reports for each calendar year to the Legislature of the State concerned, and in the case of Union territories to the two Houses of Parliament before the 31st March of the subsequent year.

Staff of Commissions.

5. The Commission shall be provided by the respective Governments with full-time expert staff, including personnel with legal training and experience of the functioning of police, jail and law departments.

Citizens to be entitled to place grievances before the Commission.

6. Every citizen, resident of the State or Union territory, shall be entitled to place his grievances before the respective Commission.

Power to make rules.

7. The Central Government and the State Governments may frame rules for the transaction of business by the Commission functioning in their respective jurisdictions.

STATEMENT OF OBJECTS AND REASONS

Depsite our constitutional gurantees, including the citizens' right to move the Supreme Court for the enforcement of fundamental rights under article 32 of the Constitution, instances daily multiply of the breach of legality and harassment of common citizens by the police and magistracy.

There is, in the first place, a lack of awareness on the part of the oppressed people of their rights. Secondly, because of their poor financial condition they cannot seek effective legal remedy, and so the tyranny of the executive remains unchecked.

This Bill seeks to establish Civil Liberties Commissions in the States and Union territories in order to fill an important lacuna in our legal system, administration of our criminal law and enforcement of citizens' fundamental rights.

These Commissions will be charged with the task of systematically reviewing the law and practice in the various spheres affecting civil liberties. Citizens shall be entitled to bring their grivances to the attention of these Commissions. They would be empowered to go into the branches connected with the administration of Criminal Law, that is, Departments of Police, Home, Law and Jails and learn at first hand what their practice is by examination of the files. Failure to provide for on the spot investigation is often destructive of Government responsibility towards the people. While the Legislatures sometimes fulfil an important function in this matter, they cannot give as much attention to this problem as a Civil Liberties Commission fully empowered to investigate these matters would be able to do. People at the top in the Departments whose work has a bearing on civil liberties have very little personal experience of how the Police and the Magistracy are functioning at the lower levels. Even the knowledge of some of the top-flight lawyers who practise in the Supreme Court is not based on practical experience.

Since the Civil Liberties Commission will be provided with full time expert staff, including research assistants, to report from first hand investigation on the protection of civil liberties, its report will be a great help to the Legislatures in solving the grievances of the people and suggesting corrective action by way of legislative amendments or administrative reform or executive action.

The setting up of the Civil Liberties Commissions will make the fundamental rights a reality for our common people.

NEW DELHI; KARNI SINGH.

The 17th April, 1972.

FINANCIAL MEMORANDUM

Clauses 2(*1*), 3(*4*) and 5 of the Bill provide for the setting up of Civil Liberties Commissions and payment of emoluments to the members and staff of the Commissions. It will be the responsibility of the State Governments to pay the emoluments to the members of the Civil Liberties Commissions in their respective States.

As far as the Union territories are concerned, the recurring expenditure from the Consolidated Fund of India will be less than three lakh rupees per year. Non-recurring expenditure of about one lakh rupees will also be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central and State Governments to frame rules for the transaction of business by the Civil Liberties Commissions in their respective jurisdictions. The delegation of power is of a normal character and entirely in consonance with the provisions of the Constitution.

BILL NO. 46 OF 1972

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1972.

Substitution of article 335.

2. For article 335 of the Constitution, the following article shall be substituted, namely:—

Reservation of vacancies for Scheduled Castes and Scheduled Tribes in services and posts.

"335. (*1*) Notwithstanding anything in this Constitution, twenty-five per cent. of the vacancies in services and posts in connection with the affairs of the State shall be reserved for the members of the Scheduled Castes and the Scheduled Tribes.

(*2*) The vacancies reserved under clause (*1*), which cannot be filled due to non-availability of candidates belonging to the Scheduled Castes and the Scheduled Tribes in a particular year, shall be carried forwarded and added to the normal reservation during the subsequent two years:

Provided that the number of normal yearly reserved vacancies together with reserved vacancies carried forward from the previous

year in the aforesaid manner shall not exceed 75 per cent. of the total number of vacancies in any recruitment year.

(3) In this article, unless the context otherwise requires, 'the State' includes the Central Government, Parliament of India, the Government and the Legislature of each of the States, Union territories, all local or other authorities within the territory of India or under the control of the Government of India or cooperative societies or companies registered or set up under an Act of Parliament or of a State Legislature and are financed wholly or partly by the Government of India or a State Government or by any local authority."

STATEMENT OF OBJECTS AND REASONS

Article 46 of the Constitution enjoins upon the State *inter alia* to promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes. The existing article 385 of the Constitution which stipulates that the claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration in the making of appointments to services and posts in connection with the affairs of the Union or of a State is quite inadequate in the context of proliferation of industrial undertakings, co-operative societies and expansion of commercial activities of the State. The present Bill seeks to make good this deficiency.

NEW DELHI;
The 18th April, 1972.

C. T. DHANDAPANI.

BILL No. 47 OF 1972

A Bill further to amend the Factories Act, 1948

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Factories (Amendment) Act, 1972.

Amendment of section 2.

63 of 1948.

2. In section 2 of the Factories Act, 1948,—

(*i*) in clause (*l*) the words "and includes a handloom weaver;" shall be added at the end;

(*ii*) for clause (*m*), the following clause shall be substituted, namely:—

'(*m*) "factory" means any premises, including the precincts thereof, whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with or without the aid of power, or is ordinarily so carried on, but does not include a mine subject to the operation of the Mines Act, 1952, or a railway running shed;'.

35 of 1952.

STATEMENT OF OBJECTS AND REASONS

A large number of handloom weavers throughout the country work under some special arrangement with the dealers who are either proprietory concerns or cooperative societies. They are not covered by the existing provisions of the Factories Act, 1948 and thus the conditions relating to their health, safety, welfare, working hours, etc. remain unregulated. The present Bill seeks to bring the handloom weavers within the purview of the Factories Act, 1948.

NEW DELHI; C. T. DHANDAPANI.

The 18th April, 1972.

BILL NO. 39 OF 1972

A Bill to provide for the abolition of the practice of employing casual labour in the Railways.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Railways (Abolition of Casual Labour) Act, 1972.

(*2*) It extends to all the Railways.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, casual labour means a person or persons employed to do a job for a few days and are not employed on monthly regular wages.

Employment of Casual labour to be banned.

3. As from the appointed date, the employment of casual labour in the Railways shall be banned.

STATEMENT OF OBJECTS AND REASONS

The practice of employing casual labour in the Railways is unsocialistic in a socialist society. It gives employment to the people for a few days and then terminates their services without giving them any benefit of gratuity, provident fund, leave, etc. A casual labourer may remain a casual labourer throughout his life and thus may be deprived of the benefits of many a progressive labour legislation enacted since independence. It is also full of many vices and corrupt practices inherent in the system. It is, therefore, necessary to abolish this practice from the Railways.

Hence this Bill.

HUKAM CHAND KACHWAI

NEW DELHI;
The 19th April, 1972.

FINANCIAL MEMORANDUM

In view of clause 3 of the Bill, the employment of regular employees, so appointed after abolishing the employment of casual labour, will involve expenditure from the Consolidated Fund of India for the payment of salaries, pensions, gratuity, etc. It is estimated that a recurring expenditure of about Rs. 50 lakhs is likely to be involved for this purpose.

No non-recurring expenditure is likely to be involved from the Consolidated Fund of India.

BILL NO. 51 OF 1972

A Bill to provide for the fixation of wages and for improvement of working conditions of domestic workers

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Domestic Workers (Conditions of Service) Act, 1972.

(*2*) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall apply to every individual employing one or more workers for domestic work in his house.

2. In this Act, unless the context otherwise requires,

Definition.

(*a*) "domestic work" includes cooking, house cleaning and attending to all other odd jobs connected with the house-hold chore;

(*b*) "Government" means the Central Government; and

(c) "worker" means any person employed for domestic work.

14 of 1947.

3. (*1*) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, so far as applicable and subject to the modification specified in sub-section (*2*), apply to, or in relation to, workers as they apply to, or in relation to, workmen within the meaning of that Act. Application of the provisions of the Industrial Disputes Act, 1947.

(*2*) Section 25F of the aforesaid Act, in its application to workers, shall be construed as if in clause (*a*) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a worker had been substituted, namely:—

(*a*) three months in case of workers who have been in continuous service for a period of not less than two years, and

(*b*) two months in case of other workers.

4. Where any worker has been in continuous service whether before or after the commencement of this Act, for not less than one year, and— Payment of gratuity to workers.

(*i*) his services are terminated by the employer for any reasons whatsoever, or

(*ii*) he voluntarily resigns from service, or

(*iii*) he dies while he is in service,

the worker or, in the case of his death, his nominee or nominees or, if there is no nomination in force at the time of the death of the worker, his heirs, as the case may be, shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, resignation or death, by the employer, gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months.

14 of 1947.

5. (*1*) The Government may, by order, in consultation with the representatives of the workers from amongst the Unions or Associations of the workers,— Fixation of wages by the Government.

(*a*) fix rates of wages in respect of workers; and

(*b*) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section.

(*2*) The rates of wages may be fixed or revised by the Government in respect of workers for time work and for piece work.

6. Every worker shall be entitled to be paid by his employer wages at the rates which shall in no case be less than the rate of wages specified in the order referred to in Section 5. Right to wages.

7. No worker shall be required or allowed to work for more than eight hours during the day, exclusive of the time for meals and leisure. Hours of work.

8. Every worker shall be allowed during a period of seven consecutive days, a rest for a period of not less than twenty-four consecutive hours. Period of rest.

Leave entitlement.

9. Every worker, who has put in a service of six months, shall be entitled every year to the following leave, namely:—

Casual leave—12 days

Sick leave—21 days

Earned leave—1|11th of the number of days spent on duty.

Maintenance of registers and records.

10. Every employer of workers for domestic work shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed.

Appointment of Inspectors.

11. (*1*) The State Government may, by notification in the Official Gazette, appoint such persons as they think fit to be Inspectors for the purposes of this Act and may define the local limits within which they shall exercise their functions.

(*2*) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code. 45 of 1860.

Power of Inspectors.

12. An Inspector may,—

(*a*) require any person to produce any register, muster-roll or other documents relating to the employment of workers by him and examine such documents;

(*b*) take, on the spot or otherwise, the evidence of any person for the purpose of ascertaining whether the provisions of this Act or any other Act made applicable to the domestic workers are complied with notwithstanding any other authority who may be empowered with the same powers or any part thereof.

Punishment.

13. If any employer contravenes the provisions of this Act, he shall be punishable with fine which may extend to one thousand rupees notwithstanding any other punishment to which he may be liable for the contravention of any other law for the time being in force governing the domestic workers.

Power to make rules.

14. The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country the working conditions of the domestic servants are miserable and primitive. They are required to work for almost 18 hours a day. They are not given any rest or leisure during the day. Their services can also be terminated at any time without notice and without any compensation by their masters.

The domestic servants have been agitating for better service conditions throughout the country. It is, therefore, very essential to regulate their service conditions by a Central Act.

Hence this Bill.

NEW DELHI;
The 19th April, 1972.

HUKAM CHAND KACHWAI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. Such rules, *inter alia*, may be made in respect of the maintenance of registers and records, etc. of the employment of workers under clause 10 of the Bill. These are matters of detail which cannot be provided in the Bill. The delegation of legislative power is thus of a normal character.

BILL NO. 41 OF 1972

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1972.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of Seventh Schedule.

2. In the Seventh Schedule to the Constitution,—

(*a*) in List I—Union List,

(*i*) entries 63 to 97 shall be re-numbered as entries 64 to 98 respectively, and

(*ii*) before entry "64" as so re-numbered, the following new entry shall be inserted, namely:—

"63. Education including universities.";

(*b*) in List II—State List, entry 11 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

It needs hardly to be emphasised that the formative period in the life of a child when he is to be imparted primary and secondary education is a very important period. But it is regrettable that education in both these stages, being in the sphere of States who do not have sufficient funds, is most neglected. The result is that the children are not even half educated when they come out of the secondary stage of education.

If we are really anxious to make our children well enlightened, disciplined and useful citizens of the country, the subject of education will have to be made a responsibility of the Centre. This Bill seeks to achieve the above object by making suitable amendments in the Constitution.

ARJUN SETHI.

NEW DELHI;
The 20th April, 1972.

BILL NO. 43 OF 1972

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1972. Short title and commencement.

(*2*) It shall come into force at once.

2. To clause (*1*) of article 74 of the Constitution, the following proviso shall be added, namely:— Amendment of article 74.

"Provided that during the period commencing from the date on which notification is issued for holding general elections to the Lok Sabha and ending with the date on which the notification constituting the new Lok Sabha is issued, the Council of Ministers shall cease to exist and the President shall exercise his functions in his discretion.".

Amendment of article 163.

3. To clause (*1*) of article 163 of the Constitution, the following proviso shall be added, namely:—

"Provided that during the period commencing from the date on which notification is issued for holding general elections to the State Assemblies and ending with the date on which all the notifications constituting the new State Assemblies have been issued, the Council of Ministers shall cease to exist in each State and the Governor shall exercise his functions in his discretion:

Provided further that, where general elections are to be held to some of the State Assemblies only, the Council of Ministers shall not cease to exist in the State or States, in which the elections are not to be held.".

STATEMENT OF OBJECTS AND REASONS

The President/Governors, during these periods, should exercise their Party which was also contesting elections have created an impression in the public mind that Party in power can rig the elections in order to come in power again by unfair means. In order to remove this impression and to show that elections are fair, the Council of Ministers at the Centre and in the States should cease to exist during the period when the general elections to Lok Sabha or State Assemblies, as the case may be, are held and till the new Houses are constituted after the General Elections.

The President/Governors, during these periods, should exercise their functions in their discretion without the aid of the Council of Ministers.

Hence this Bill.

NEW DELHI;
The 21st April, 1972.

HUKAM CHAND KACHWAI.

BILL NO. 52 OF 1972

A Bill to provide for the procedure for recognition of Trade Unions

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Trade Unions (Recognition) Act, 1972.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definition

2. In this Act, the expressions "appropriate Government" and "Trade Union" shall have the same meaning as assigned to them in the Trade Unions Act, 1926. 16 of 1926.

Recognition of Trade Unions by secret ballot.

3. (*1*) Where there are more than one Trade Unions registered under the Trade Unions Act, 1926 and the question arises as to which of the Trade Unions should be recognised, the Trade Union which secures the majority of votes of the members of all the Trade Unions in the secret ballot shall be recognised by the appropriate Government. 16 of 1926.

(*2*) The secret ballot shall be held by the appropriate Government in the manner to be prescribed.

Power to make rules.

4. (*1*) The Central Government shall frame rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules shall provide for the manner in which the secret ballot may be held.

STATEMENT OF OBJECTS AND REASONS

Keeping in view the larger interests of the working class in the country and the desirability of the success of trade union movement, it is necessary that the trade union rivalry must end. In order to achieve this object, the Trade Unions with a truely representative character should be recognised by the Government. There has been a growing demand in the country that the Trade Union that gets the majority of votes in the secret ballot should be recognised.

Hence this Bill.

NEW DELHI;
The 24th April, 1972.

HUKAM CHAND KACHWAI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. Such rules may, in particular, be made in respect of the manner for holding the secret ballot under clause 3. These are matters of detail. The delegation of legislative power is thus of a normal character.

BILL NO. 48 OF 1972

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1972.

(*2*) It shall come into force at once.

Amendment of article 19.

2. In article 19 of the Constitution,—

(*i*) in clause (*1*), the following sub-clause shall be inserted at the end, namely:—

"(h) to vote, on attaining the age of 18 years, in elections to the House of the People, the Legislative Assembly of a State or an appropriate representative body established by law in a Union territory and the appropriate local body or bodies throughout the country."

(*ii*) the following clause shall be inserted at the end, namely:—

"(7) nothing in sub-clause (h) of clause (*1*) shall affect the operation of any existing law or prevent the appropriate Legislature from making any law imposing disqualification on the ground of non-residence, unsoundness of mind, crime, or corrupt or illegal practice.".

Substitution of article 326.

3. For article 326 of the Constitution, the following article shall be substituted, namely:—

Elections to the House of the People and to the Legislative Assemblies of States, etc. to be on the basis of adult suffrage.

"326. The elections to the House of the People, Legislative Assembly of every State and the representative body established by law in a Union territory and all local bodies throughout the territory of India, shall be held on the basis of adult suffrage; that is to say, every person who has a right to vote under sub-clause (h) of article 19(*1*), shall be entitled to be registered as a voter at any such election.".

STATEMENT OF OBJECTS AND REASONS

In view of the growing consciousness among the youth and with a view to inculcate in them a sense of participation in the political system, it is necessary to change the concept of adult franchise. Adult franchise, to be truly universal, must also embrace all citizens who are below the age of 21 years but are above 18.

This would help in bringing about a qualitative change in the outlook of our representatives as also in the temper of our politics, making the administrations and the Legislatures more responsive to the problems of youth, namely unemployment, inadequate education, nutrition, sports and the like. The right to vote has been made as fundamental right by amending article 19.

This Bill accordingly seeks to make the right to vote for all those who are 18.

NEW DELHI;
The 26th April, 1972

SUKHDEO PRASAD VERMA.

FINANCIAL MEMORANDUM

Clause 2(1) of the Bill seeks to make the right to vote as a Fundamental Right to all citizens above the age of 18 years. This would result in increased expenditure from the Consolidated Fund of India especially on printing of electoral rolls containing particulars of those persons between the age group of 18—21 who would become eligible to vote. It is estimated that a recurring expenditure of about rupees 10 lacs from the Consolidated Fund of India would be involved as a result of enactment of this Bill.

No non-recurring expenditure is likely to be involved from the Consolidated Fund of India.

BILL NO. 49 OF 1972

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1972. Short title.

2. For article 330 of the Constitution, the following article shall be substituted, namely:— Substitution of article 330.

"330. (*1*) Seats shall be reserved in the House of the People and the Council of States for— Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People and the Council of States.

(*a*) the Scheduled Castes;

(*b*) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam and in Nagaland; and

(*c*) the Scheduled Tribes in the autonomous districts of Assam.

(*2*) The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled Tribes under clause (*1*) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the House

of the People and, as the case may be, in the Council of States, as the population of the Scheduled Castes in the State or Union territory or of the Scheduled Tribes in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory."

Amendment of article 332.

3. In article 332 of the Constitution,—

(*a*) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies and the Legislative Councils of the States";

(*b*) in clause (*1*), after the word "State", the words "and in the Legislative Council of the State where there are two Houses of the Legislature." shall be added at the end; and

(*c*) in clause (*3*),—

(*i*) the words "in the Legislative Assembly of any State" shall be deleted;

(*ii*) after the words "seats in the Assembly", the words "and, as the case may be, in the Legislative Council," shall be inserted.

Insertion of new article 333A and 333B.

4. After article 333 of the Constitution, the following articles shall be inserted, namely:—

Reservation of seats for Scheduled Castes and Scheduled Tribes in the Council of Ministers of the Union and the States.

"333A. (*1*) Seats shall be reserved in each category of Ministers in the Councils of Ministers of the Union and the States for the members of the Scheduled Castes and Scheduled Tribes.

(*2*) The number of seats reserved in each category of Ministers in the Council of Ministers of the Union and the States for the Scheduled Castes and the Scheduled Tribes under clause (*1*) shall bear, as nearly as may be, the same proportion to the total number of Ministers in that category is the number of members of the Scheduled Castes and Scheduled Tribes bears to the total number of members of Parliament or, as the case may be, the respective State Legislatures.

Reservation of seats for Scheduled Castes and Scheduled Tribes in local bodies.

333B. (*1*) Seats shall be reserved for the Scheduled Castes and Scheduled Tribes in the Municipal Corporations, improvement trusts, district boards, mining settlement authorities and other local authorities constituted by or under the authority of any law made by the Union Parliament or the Legislature of a State or a Union territory for the purpose of local self-government or village administration.

(*2*) The number of seats reserved in any local authority for the Scheduled Castes and Scheduled Tribes under clause (*1*) shall bear, as nearly as may be, the same proportion to the total number of seats in that local authority, as the population of the Scheduled Castes or the Scheduled Tribes in the area, over which such local authority exercises jurisdiction, bears to the total population of such area.

(3) Irrespective of the total number of the population of the Scheduled Castes and the Scheduled Tribes in any State or a Union territory, as nearly as may be, one-fourth of the total number of presiding officers in each category of such local authorities whether known as chairman, presidents or by any other name, shall be reserved for the members of the Scheduled Castes and the Scheduled Tribes.

Explanation: Local authorities of the same status shall be regarded as one category for the purposes of this article, *e.g.*, corporations of major cities shall form one category while municipalities of smaller towns shall form another category and so on as may be notified by the State Government from time to time.".

STATEMENT OF OBJECTS AND REASONS

The existing constitutional provisions relating to reservation of seats in the House of the People and in the Legislative Assemblies of the States are insufficient to ameliorate the social and economic condition of the Scheduled Castes and the Scheduled Tribes. In order to promote with special care the interests of the Scheduled Castes and Scheduled Tribes as envisaged under article 46 of the Constitution, it is necessary that seats are reserved in the Council of States, in the Legislative Councils of States, in the Council of Ministers in the Union and the States and in the local bodies like Municipal Corporations, district boards, village Panchayats etc. for the members of the Scheduled Castes and the Scheduled Tribes. The present Bill seeks to give effect to this proposal.

NEW DELHI;
The 26th April, 1972.

R. P. ULAGANAMBI.

S. L. SHAKDHER,
Secretary.

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